

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAO) NO. 1840 OF 2018
IN
FIRST APPEAL NO. 1401 OF 2018

The Executive Engineer, Bembla Canal Division, Yavatmal.

Vs.

Sumanbai Indarchand Tated and others.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri M.A. Kadu, counsel for the appellant.
Shri V.D. Darne, counsel for the respondent No.1.
Shri I.J. Damle, AGP for the respondent Nos. 2 and 3.

CORAM: ARUN D. UPADHYE, J.

DATE: 12-03-2019.

Heard Shri V.D. Darne, learned counsel for the respondent No.1 and Shri M.A. Kadu, learned counsel for the appellant.

Perused the application. The respondent No.1 has prayed for withdrawal of the amount deposited by the appellant in this Court.

Shri M.A. Kadu, learned counsel for the appellant has objected for the same on the ground that enhancement is at higher side i.e. Rs. 1,32,800/- per hectare to Rs. 40,00,000/- per hectare.

Learned counsel for the respondent No.1, however submitted that in another case arising out of same acquisition i.e. in *Civil Application (O) No. 1839/2018* in *Civil Application (F) No. 236/2016* in *First Appeal Stamp No. 16508/2017* [The

Executive Engineer Bembla Project Yavatmal V/s Sudhatai Wasudeo Bharatrao Maldhure and others], this Court has permitted to withdraw 50% amount of compensation on filing usual undertaking.

Considering the above facts and circumstances of the case, I am of the view that claimant/respondent No.1 could be permitted to withdraw 50% amount of compensation deposited by the appellant.

Hence, I pass following order :-

ORDER

- 1] Civil Application No. 1840/2018 is partly allowed.
- 2] The respondent No.1 is permitted to withdraw 50% of the amount of compensation deposited by the appellant in this Court on furnishing usual undertaking to the effect that in case the appeal is allowed, she will refund the amount to the appellant and remaining amount be invested in fixed deposit till the disposal of the appeal.

JUDGE